

EASTERN DISTRICT OF TEXAS

Prince argues that this court erred in dismissing his appeal because a prisoner cannot be prevented from appealing a civil judgment and because he is indigent and that he should have been allowed to “perfect” his appeal by making partial payments of the filing fee. *See* 28 U.S.C. § 1915(b)(1), (4). Nevertheless, even when the party seeking to appeal is an indigent prisoner, the court must dismiss an appeal that is frivolous, notwithstanding any filing fee, or any portion thereof, that may have been paid. 28 U.S.C. § 1915(e)(2)(B)(i). As discussed in the court’s order of dismissal, the United States Bankruptcy Court for the Eastern District of Texas (the “Bankruptcy Court”) denied Prince’s motion to proceed in forma pauperis because it found that

his appeal was frivolous.¹ This court concurred with that assessment and noted that Prince's consolidated appeals "represent frivolous collateral attacks on the Bankruptcy Court's grant of summary judgment avoiding certain transfers of real property to the Trust." *See* Doc. No. 56. Thus, Prince's consolidated appeal was dismissed both for failure to pay the filing fees and because it was frivolous.

Accordingly, for these reasons and the reasons stated in the court's Memorandum and Order (#56), Prince's motion is DENIED. The Clerk of the Court is ORDERED to mail a copy of this order to Prince at his address listed on the docket sheet.

SIGNED at Beaumont, Texas, this 18th day of July, 2016.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

¹ In fact, the Bankruptcy Court specifically discussed Prince's arguments concerning the "2010 Equal Distribution" and explicitly found that his appeal was frivolous. *See Chow v. Prince (In re Prince)*, Adversary No. 15-04010, at *5 n.2 (Bankr. E.D. Tex. May 6, 2016) (denying Prince's motion to proceed in forma pauperis).